



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/676,137

09/30/2003

Frank E. LeClerc

884.A46US1

6409

21186

7590

08/26/2008

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.

P.O. BOX 2938

MINNEAPOLIS, MN 55402

EXAMINER

KERVEROS, JAMES C

ART UNIT

PAPER NUMBER

2117

MAIL DATE

DELIVERY MODE

08/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/676,137	Applicant(s) LECLERG ET AL.	
	Examiner JAMES C. KERVEROS	Art Unit 2117	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/30/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a Non-Final Office Action in response to the Amendment filed 7/23/2008.

Claims 1-25 are presently under examination and pending.

Response to Arguments

Applicant's arguments filed on 7/23/2008, with respect to the final rejection of Claims 1-25 under 35 U.S.C. 102(b) as being anticipated by Grimes (US Patent No. 5,684,979), have been fully considered and are persuasive. Therefore, the prior Office Action rejection has been withdrawn.

In response to Applicant's argument that the concept of a memory module is not disclosed, taught, or suggested in any manner within Grimes and a memory module, as claimed, provides an additional level of memory management and allows for finer grained parallel memory initialization and testing, the Examiner notes upon a new ground of rejection, Kennedy discloses (memory module 130) comprising 40-bit single-in-line memory modules (SIMMs) constructed from dynamic random access memories (DRAMs) and a memory controller (DRAM controller, not shown) which provides conventional row address select (RAS), column address select (CAS), hidden refresh, address multiplexing, page mode and burst mode support, as set forth in the present Office Action, below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kennedy (US Pa No. 5,450,576) issued, September 12, 1995.

Regarding Claims 1-25, Kennedy discloses a method and apparatus for controlling initialization and self test operations in a multiprocessor system, comprising:

A (memory module 130) comprising 40-bit single-in-line memory modules (SIMMs) constructed from dynamic random access memories (DRAMs) and a memory controller (DRAM controller, not shown) which provides conventional row address select (RAS), column address select (CAS), hidden refresh, address multiplexing, page mode and burst mode support. The memory module 130 also includes error correction code (ECC) capability for reliability. Additionally, the memory module has an associated non-volatile ISTC memory 129 which contains configuration information and CPU specific initialize and self test code (ISTC) for the memory 130.

The ISTC memories contain configuration, and initialization and self-test code (ISTC) (commonly referred to as the power-on self test (POST) and INITIALIZE portion of the boot code in the art) specific to the respective CPU, I/O board or memory module. The CPU ISTC memories hold configuration information and the ISTC specific to the

associated CPU, and the I/O board ISTC memories hold the peripheral configuration information and the ISTC for the associated I/O board. For instance the memory 123 contains configuration information and ISTC for the CPU1 120 and the memory 133 contains configuration information and ISTC for CPU2 132, and the memory 129 contains configuration information and ISTC for testing and initializing the memory module 130.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES C. KERVEROS whose telephone number is (571) 272-3824. The examiner can normally be reached on 9:00 AM TO 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques H. Louis-Jacques can be reached on (571) 272-4150. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES C KERVEROS/
Primary Examiner, Art Unit 2117

Date: 26 August 2008
Office Action: Non-Final Rejection

U.S. Patent & Trademark Office
Alexandria, VA 22314.
Tel: (571) 272-3824, Fax: (571) 273-3824
Email: james.kerveros@uspto.gov